REMARKS

Claims 1, 2, 4-18, 21, 24, and 28-33 are pending. Claims 21, 24, and 28 are amended to read in independent form. In addition, the ratio of isocyanate groups to hydroxyl groups is amended and finds basis at page 6, lines 18-30 and page 12, lines 12-25. No claims are added or canceled.

Claim Objections

Claims 21, 24, and 28-31 were objected to under 35 CFR § 1.75(c) as allegedly failing to further limit the previous claim. As suggested by the Examiner, claims 21, 24, and 28 are amended to read in independent form. This amendment should render the rejection moot.

Rejections under 35 U.S.C. § 112

Claims 21, 24, and 28-31 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for reasons analogous to those recited under the rejection based on 35 CFR § 1.75(c). The amendments to claims 21, 24, and 28 should also remove these rejections.

Rejections under 35 U.S.C. § 102

Claims 1-2, 4-18, 21, 24, and 28-33 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by WO 00/05290 ("the Bolte application"). Applicants traverse the rejection. As discussed below, the Bolte application does not teach the process of claim 1. Furthermore, the differences in process are highlighted by the different products that result from the processes.

The standard for anticipation under 35 U.S.C. §102(b) is one of strict identity. An anticipation rejection requires a showing that each limitation of a claim be found in a single reference, *Atlas Powder Co. v. E.I. DuPont de Nemours & Co.*, 224 U.S.P.Q. 409, 411 (Fed. Cir. 1984). The current grounds for rejection of the claims can not stand because the Bolte application fails to disclose each and every limitation of the independent claims and therefore there can be no anticipation of the claims under 35 U.S.C. §102(b).

In our last response, Applicants amended the transition phrase of claim 1 to read "consisting of" to further differentiate the instant claims from the teachings of the Bolte application. Component A of the Bolte application requires a two step reaction to achieve a low monomeric isocyanate product. *See*, for example, page 5, lines 24-30 of the Bolte application. The second stage of the process taught by the Bolte application utilizes a different difunctional diisocyanate than is used in the first stage. *See*, for example, page 8, line 26 to page 9, line 30 of the Bolte application. The process of claim 1, in contrast, is a one step process. For at least this reason, the rejection should be withdrawn.

Furthermore, the process of the Bolte application produces a product which contains two different reactive NCO-groups either as mixture of polymers or in one polymer. *See*, page 5, lines 24-30 of the Bolte application. The prepolymer made by the process of the current claims, in contrast, will contain only one type of NCO-group. Even if one considers the two isocyanates of 2,4'-MDI as different types of NCO groups, the faster groups will react at first, the slower groups thereafter. Because the NCO/OH ratio is 1:05 to 2.0:1, only the slower reacting groups will remain after completion of the reaction. Thus, only one type of NCO-group is present in the product of claim 1.

The difference in product can also be traced to differences between the isocyanates used in the claimed process and that taught by the Bolte application. The Bolte application uses two different isocyanates with different reactivities in a staged manner. *See*, page 7, lines 10-22 and page 8, line 26 to page 9, line 30 of the Bolte application. The instant claims, in contrast, recite 2,4'-MDI with relatively low levels of isocyante impurities. For at least this reason, the rejection should be withdrawn.

Even if the additional step of claim 21 is considered, when a second polyol reacts with the product of claim 1 which has only one type of NCO group, the resulting second product will also have only one type of NCO group. Thus, the further product will still be different from the products taught by the Bolte application having two different NCO groups.

Applicants submit that the rejections should be withdrawn.

Rejections under 35 U.S.C. § 103

Claims 1-21 and 23-24 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious in view of the Bolte application. To establish a *prima facie* case of obviousness,

three basic criteria must be met. First, there must be some suggestion or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. MPEP § 2143.

The defects in the teachings of the Bolte application discussed above also apply to the obviousness rejection. Nothing in the Bolte application would suggest modifying the teachings to use a one step reaction or to produce the product of Applicant's instant claims. Thus, not only does the art not teach the steps of the claimed invention, there is no motivation for one skilled in the art, armed with the Bolte teachings, to modify those teachings to arrive at any instant claim. For at least these reasons, the claims are not obvious by the cited art.

Conclusions

Applicants believe the foregoing constitutes a complete response to the Office Action and subsequent Communications. Further, Applicants submit that all pending claims are in condition for ready allowance. An early Office Action to that effect is, therefore, earnestly solicited.

Respectfully submitted,

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